

REMARKS

Claims 1-5 are pending and under consideration.

In the Office Action of December 21, 2006, claims 1 and 5 were rejected as anticipated by Oesten et al (US 2001/0046628). Claims 1, 4 and 5 were rejected as anticipated by Li (WO 97/49136). Claim 2 was rejected as obvious in view of Oesten. Claim 3 was rejected as obvious in view of Oesten and Spitler (US 2004/0197657). Finally, claim 4 was rejected as obvious in view of Oesten and Naruaoka et al. (US 6893766).

In response, and without conceding the merits of the rejections, claims 1 and 5 have been amended to specify that coating layers comprise a second compound oxide of lithium and titanium selected from the group consisting of $\text{Li}_4\text{Ti}_5\text{O}_{12}$, Li_2TiO_3 , $\text{Li}_2\text{Ti}_3\text{O}_{7a}$ and $\text{Li}_4\text{Ti}_{4.90}\text{Mn}_{0.10}\text{O}_{12}$. It is submitted that this is nowhere fairly taught or suggested in the cited art.

There is nothing in Spitler to suggest its use as a coating on particles of lithium and nickel compound oxides. There is nothing in the other cited art to employ the material of Spitler as a coating on such particles. It is submitted that the examiner's reasoning is based on improper hindsight reasoning.

Accordingly, it is submitted that claims 1-5 are patentable over the cite art and that the application is in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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